

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

HOLLY MURPHY, Personal	:	
Representative of the Estate of Matthew	:	
Baraniak,	:	No. 1:21-cv-01237
Plaintiff	:	
	:	(Judge Kane)
v.	:	
	:	
DAUPHIN COUNTY, <u>et al.</u>,	:	
Defendants	:	

ORDER

AND NOW, on this 8th day of March 2022, upon consideration of the motions to dismiss filed by Dauphin County (Doc. No. 10) and River Drive Service Center, Inc., James Ellerman, and Shane Staley (“River Drive Defendants”) (Doc. No. 16), and in accordance with the Memorandum entered concurrently with this Order, **IT IS ORDERED THAT:**

1. Dauphin County’s motion to dismiss (Doc. No. 10) is **GRANTED**, and Count I of Plaintiff’s complaint is **DISMISSED WITHOUT PREJUDICE**;
2. The River Drive Defendants’ motion to dismiss (Doc. No. 16) is **GRANTED IN PART** to the following extent:
 - a. Plaintiff’s federal claims asserted against Defendant River Drive Service Center, Inc., in Count II of her complaint are **DISMISSED WITHOUT PREJUDICE**;
 - b. Plaintiff’s state law claims asserted against all of the River Drive Defendants in Counts III, IV, and V of her complaint are **DISMISSED WITH PREJUDICE**;
 - c. The River Drive Defendants’ motion to dismiss is denied in all other respects; and
3. Plaintiff may file an amended complaint, within thirty (30) days of the date of this Order and only as to Counts I and II of her complaint, correcting the pleading deficiencies identified in the Memorandum issued concurrently with this Order.

s/ Yvette Kane
Yvette Kane, District Judge
United States District Court
Middle District of Pennsylvania